

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

COMANCHE NATION,)
OKLAHOMA,)
)
Plaintiff)
)
-vs-)
)
UNITED STATES OF AMERICA,)
et al.,)
)
Defendants.)
_____)

Case No. CIV-05-328-F

**MOTION, AND BRIEF IN SUPPORT, FOR EXPEDITED
HEARING ON FORT SILL APACHE TRIBE OF OKLAHOMA’S
SECOND MOTION FOR ENFORCEMENT OF AGREEMENT
OF COMPROMISE AND SETTLEMENT**

The Fort Sill Apache Tribe of Oklahoma (“the Tribe”) respectfully requests that this Court grant an expedited hearing with respect to the Tribe’s Second Motion for Enforcement of Agreement of Compromise and Settlement, on the following grounds:

The Tribe has asked the Court to find that an opinion “supplemental” to an advisory opinion withdrawn by the NIGC last year as a direct consequence of this Court’s Order of October 2008, and representations in a resulting Notice of Violation pertaining to the Tribe’s gaming operations in Luna County, New Mexico, are in violation of the Agreement of Compromise and Settlement of

March 7, 2009 (or “Settlement Agreement”), in that analysis relating to a “government-to-government” relationship between the United States and the Chiricahua and Warm Springs Apache Tribes continues to be fundamentally inconsistent with agreed factual representations on the part of the United States shown in ¶7 of the Settlement Agreement. Fort Sill Apache Tribe of Oklahoma’s Second Motion for Enforcement of Compromise and Settlement (“Second Motion for Enforcement”) at 4 - 6.

The Tribe sought expedited treatment of the request in the first instance, Second Motion for Enforcement at 7, but may have erred in focusing almost entirely on the merits of the controversy, without making clear the terrible hardship entailed in handling the motion in the normal course: The Tribe employs 60 people at its Akela Flats facility, and each faces immediate unemployment if the Court proves unwilling to intercede as requested by Wednesday, August 5, 2009. The NIGC has threatened to begin imposing fines up to \$25,000 a day on August 5th, a prospect ruinous for a small Tribe and its fledgling operations in Luna County.

Thus the livelihoods of dozens of people and their families are at stake here, in a county where unemployment was endemic even before the decimation of the Nation’s economy. The Court has broad discretion in the management of its

calendar. The Tribe respectfully urges that the Court exercise it in favor of an expedited hearing upon its Second Motion for Enforcement of Agreement of Compromise and Settlement.

Counsel for the United States has indicated opposition to the request. We submit a proposed Order is submitted in keeping with Local Rule.

Respectfully submitted this 3rd day of August, 2009,

/s/ Robert E. Prince

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CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2009 I caused a copy of the foregoing document to be submitted by electronic means to the Clerk of Court using the ECF system for filing, thereby serving the Certificate of Service on the ECF registrants who have entered an appearance:

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